

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DR. JONATHAN GUSDORFF,

Plaintiff,
Counter-Defendant,

V.

MNR INDUSTRIES, LLC and MNR
PENNSYLVANIA, LLC,

Defendants,
Counter-Claimants,

V.

GUSDORFF HOLDINGS, LLC,

Additional Counter-Defendant.

ORDER

AND NOW, this 6th day of July, 2018, upon consideration of Plaintiff/Counter-Defendant Dr. Jonathan Gusdorff and Counter-Defendant Gusdorff Holdings, LLC's (collectively "Counter-Defendants") Motion to Dismiss Amended Counterclaims Pursuant to Rules 12(b)(6) and 9(b) and Defendant/Counter-Claimant MNR Industries, LLC's Memorandum of Law in Opposition, it is hereby **ORDERED** that Counter-Defendants' Motion to Dismiss Amended Counterclaim (Doc. No. 11.) is **GRANTED IN PART** and **DENIED IN PART**. It is **FURTHER ORDERED** that:

1. Counter-Defendants' Motion is **GRANTED** to the extent it seeks dismissal of Count II of Amended Counterclaims (Fraud). Accordingly, Count II of Amended Counterclaims of the Amended Complaint is **DISMISSED WITHOUT PREJUDICE**; and

2. Counter-Defendants' Motion is **DENIED** to the extent it seeks dismissal of Count I of the Amended Counterclaims (Breach of Contract).

BY THE COURT:

/s/ Robert F. Kelly
ROBERT F. KELLY
SENIOR JUDGE